IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4414 of 1998

Between:

1 Atram Tanu, S/o Maru
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
2 Kota Chandraiah, S/o Bapu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
3 Kota Shanker, S/o Bapu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
4 Kursange Heru, S/o Manku,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
5 Naitam Bojji Rao, S/o Raju,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
6 Oikka Shanker, S/o Ramu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
7 Oieka Somu, S/o Jangu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
8 Kotnaka Isru, S/o Soma,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
9 Naitam Bojji, S/o Ramu
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
10 Gedam Bheembai, S/o Mangu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
11 Todsam Manikrao, S/o Mosa,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
12 Atram Sakku, S/o Maru,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
13 Atram Kantarao, S/o Anantarao,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
14 Tekem Pochubai, W/o Kistaiah
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
15 Atram Sonerao,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
16 Nitam Attakirao, S/o Lingu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
17 Atram Raju,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.
18 Nitam Pustapatirao, S/o Madu,
R/o Kothaguda & Gillabanda (V), Hamlet of Mandrameda (V),

Tiryani (M), Adilabd Dist.

..... PETITIONERS

AND

1 The Executive Engineer,
Vattevagu Project, Asifabad,
Adilabad dist.
2 The Land Acquisation Officer (RDO)
Utnoor, Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any Writ, order or direction more in the nature of Writ of Mandamus directing the respondents not to take the possession of the petitioners house bearing Door Nos. 8-78/1, 8-79/1, 8-79/2, 8-29/2, 8-75, 8-50, 8-60/1, 8-83/1, 7-64/1, 8-70/1, 7-65/1,

7-87, 8-21/2, 8-21/1, 8-37, and 76/1, situated at Kothaguda, Gollabanda Hamlets of Mandrameda Village, Tiryani Mandal, Adilabd District without initiating the proceedings under the Land Acquisition Act.

Counsel for the Petitioners:MR.V.MANOHAR RAO

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

The Court made the following Order:

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4414 of 1998

ORDER:

This writ petition is filed seeking a Writ of Mandamus directing the respondents not to take possession of the petitioners' houses bearing D.Nos.8-78/1, 8-79/1, 8-79/2, 8-29/2, 8-75, 8-50, 8-60/1, 8-83/1, 7-64/1, 8-70/1, 7-65/1, 7-87, 8-21/2, 8-21/1, 8-37, and 76/1, situated at Kothaguda, Gollabanda Hamlets of Mandrameda Village, Tiryani Mandal, Adilabd District without initiating proceedings under the Land Acquisition Act.

While admitting this writ petition, this Court, on 18.2.1998, granted interim order in WPMP No.5288 of 1998 directing the respondents not to take possession of houses of the petitioners in question without initiating land acquisition proceedings.

A detailed counter-affidavit has been filed on behalf of the respondents stating that the Government issued a notification under Section 4 (1) of the Land Acquisition Act for acquisition of lands for the purpose of construction of Vatti Vagu Project and in this process, the houses of some of the petitioners were also acquired except the petitioners 2, 3, 4, 12, 16 and 18 who have no houses. The other petitioners were also paid compensation as those houses were acquired.

In view of the submission made in the counter-affidavit, I do not think any further orders are necessary to be passed in this writ petition.

The writ petition is accordingly dismissed. However, if the petitioners 2, 3, 4, 12, 16 and 18 have any grievance, they can make a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the respondents shall consider and dispose of the same, in accordance with law, within a period of one month thereafter.

8-12-2004

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To

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1 The Executive Engineer,
Vattevagu Project, Asifabad,
Adilabad dist.
2 The Land Acquisation Officer (RDO)
Utnoor, Adilabad Dist.

3. Two CCs to G.P. for Land Acquisition, A.P.High Court Buildings,

Hyderabad (OUT)

4. Two CD copies.

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THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4414 of 1998

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